

London Borough of Enfield

Cabinet

Meeting Date **3 February 2021**

Subject: **Introduction of new Public Spaces Protection Orders**

Cabinet Member: **Cllr George Savva- Cabinet Member for Licensing & Regulatory Services**
Cllr Nneka Keazor - Cabinet Member for Community Safety & Cohesion

Also consulted:

Cllr Gina Needs – Cabinet Member for Social Housing
Cllr Guney Dogan - Cabinet Member for Environment & sustainability

Executive Director: **Sarah Cary; Executive Director – Place**
Tony Theodoulou; Executive Director - People

Key Decision: **KD 5255**

Purpose of Report

1. The power to make Public Spaces Protection Orders (PSPOs) was introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 and are designed to stop individuals or groups of people committing anti-social behaviour in a public space.
2. The local authority can make a PSPO to prohibit or restrict activities that has, or will have, a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature and unreasonable.
3. The current PSPOs were introduced on 15 January 2018 for a duration of 3 years to address a range of anti-social behaviours that had been reported to, and raised by, the Police and various Council departments.
4. The anti-social behaviours that are covered by the current PSPOs continue to cause detriment to the quality of life of residents and is unreasonable. It is therefore proposed that PSPOs are introduced again for a further period of 3 years.

Proposal(s)

5. It is recommended that the PSPOs as outlined in paragraph 27 and Appendix 3 are approved, and that the Director of Law & Governance sign the PSPOs and be delegated authority to make any minor amendments.

Reason for Proposal(s)

6. The proposed PSPOs would continue to help address concerns raised by the public with the Police and Council about anti-social behaviour occurring in the borough.
7. The purpose of PSPOs is to stop individuals or groups committing anti-social behaviour in a public space so that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Relevance to the Council's Plan

8. Public Spaces Protection Orders contribute towards the Council Plan as follows:
 - **Good homes in well-connected neighbourhoods:**
9. The introduction of PSPOs in the Anti-Social Behaviour, Crime and Policing Act 2014 are intended to allow the law-abiding majority to enjoy public spaces and to feel safe in their neighbourhoods.
 - **Safe, healthy and confident communities:**
10. PSPOs address concerns raised about anti-social behaviours and the negative impacts they have on residents, businesses and other persons visiting and working in Enfield. Individuals who fail to comply with the requirements of the PSPOs will be sanctioned.
 - **An economy that works for everyone:**
11. Many of the anti-social behaviours in the proposed PSPO have detrimental impacts on the cleanliness, visual amenity and perception of safety in neighbourhoods and the borough. This can contribute towards a negative impact on the environment and affect the vitality of the economy in the borough.

Background

12. Public Spaces Protection Orders (PSPOs) were brought in under the provisions of the Antisocial Behaviour, Crime and Policing Act 2014. The purpose of these powers is to give local authorities and the Police more effective powers to control and/or support the reduction of anti-social behaviour in public places.
13. The purpose of Public Spaces Protection Orders (PSPOs) are to stop individuals or groups of people committing anti-social behaviour in a public

space. It is for each local authority to determine what behaviour(s) they may want to make the subject of a Public Spaces Protection Order.

14. The Public Spaces Protection Order can prohibit specified things being done in the area or require specified things to be done in the area. A PSPO can be made for a maximum of three years.

15. Before a local authority introduces a PSPO, it must be satisfied that the antisocial activities carried out in a public place within the local authority's area:

16. Have, or are likely to have, a detrimental effect on the quality of life of those living in the locality;

- Is, or is likely to be, of a persistent or continuing nature;
- Is, or is likely to be, such as to make the activities unreasonable

As a result, this thereby justifies the restrictions imposed by the Order.

17. A PSPO can cover multiple restrictions, and can cover any publicly accessible space within the local authority's area including areas in private ownership to which the public have access.

18. Before making a PSPO, the Act requires that the Council must consult with:

- The Chief of Police
- The Mayor's Office for Policing and Crime (the local policing body)
- Community representatives (whoever the local authority considers appropriate)
- Owners or occupiers of land (within the proposed designated areas)

19. Breach of a PSPO without reasonable excuse is a criminal offence, subject to a fixed penalty notice or prosecution. On summary conviction, the Act specifies that an individual would be liable to a fine not exceeding level 3 on the standard scale (currently set at £1,000). Any person who consumes alcohol in an area where this has been prohibited could be required to cease and hand over any containers believed to contain alcohol. Failure to comply would be a criminal offence which on summary conviction would mean that an individual is liable to a fine up to £500 as set out in the Act, which is level 2 on the standard scale. If alcohol is confiscated, it can also be disposed of by the authorised person who confiscates it.

20. In the first instance, PSPOs are usually enforced by issuing a Fixed Penalty Notice (FPN) of £100. PSPOs are enforced by both the Police (including Police Community Support Officers) and authorised persons of the local authority.

21. When PSPOs are made they must be published on the local authority's website, and sufficient signs erected on, or adjacent to, the public places to which the Order relates.

22. The implementation of the PSPO can be challenged at the High Court by any interested person within 6 weeks of the making of the Order. An interested

person is deemed to be an individual who lives in the restricted area or who regularly works in or visits that area. A challenge can be made on the basis that the local authority:

- does not have the power to make the Order, or impose the particular prohibitions or requirements in the Order; or
- that the requirements of the Act were not complied with.

23. If an application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict, in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

Main Considerations for the Council

The Current PSPOs

24. The current PSPOs were strongly supported by the public and stakeholders such as the Police. To date, the PSPOs have provided an additional means of enforcing antisocial behaviours of particular concern. In many cases other powers have been used but PSPOs have been used by the Police mostly for prostitution and intimidatory begging. There have also been a number of proactive taskings undertaken in relation to the PSPOs such as:

- 14/8/2018 – PSPO Enforcement day carried out in the Fore Street area
- 18/10/18 - Ponders End Park and close locality PSPO Awareness Day with Ponders End NPT - carried out a PSPO awareness with the business/shops along the High Street (ones nearest to Ponders End Park and going towards Tescos). 18 businesses agreed to display the PSPO posters in their window/shop.
- 24/10/2018 – Visited the shops in Fore Street providing information and posters of the PSPO.
- 5/2/19 - Ponders End Park and close locality - PSPO Enforcement Day with ASB Team and Ponders End NPT. No FPN's issued.
- 20/03/2019 – PSPO Enforcement day carried out in the Fore Street area as part of Operation Stumble
- 1/4/19 – visits to businesses by Ponders End Park – letter drop and reminded them of PSPO in place.
- 7/6/19 - Palmers Green – PSPO awareness day with Palmers Green NPT, we visited several businesses in Palmers Green, Green Lanes to discuss issues including street drinkers where each business were provided Public Spaces Protection Order Posters to be displayed in their shop window
- 17/10/19 – visit to shop by Lytchet Way Estate, EN3, carried out PSPO awareness and around fireworks, shop issued with a fireworks and PSPO poster.
- 23/10/2019 – Visits carried out to shops advising them of the PSPO as part of the Autumn Nights program
- 24/10/19 - Palmers Green - PSPO awareness and enforcement day with Palmers Green NPT including visits to businesses where we made them aware of the PSPO and issued posters and stickers

- 24/10/19 - Joint visit with Licencing Team to shop in Winchmore Hill selling Fireworks – PSPO awareness and posters and stickers issued around use of fireworks.
- 30/10/2019 – Leaflets handed out about the PSPO to shops in the Fore Street area
- November 2019 – Two PSPO signs erected in Park Avenue, N13 due to problems with street drinkers in the location

25. It has not been possible to undertake PSPO proactive tasking and engagement since Spring 2020 due to the demands of the coronavirus pandemic.

The Proposed PSPOs

26. The anti-social behaviours covered by the current PSPOs are unreasonable and continue to cause detriment to residents' quality of life such that new PSPOs are required to continue to help address these ASBs when the current PSPOs expire. In addition, there have been issues with persons sleeping and fishing overnight in parks, and people sleeping overnight and living in vehicles, so are also proposed for the new PSPOs.

27. The anti-social behaviours that have been identified for a series of PSPOs within the borough are:

Antisocial behaviour type	Areas to which the PSPO apply
Control of alcohol consumption in public places	All public places
Car cruising	A10 and Enfield Retail Park, A406, Ravenside Retail Park, Tesco carpark at Glover Drive N18, Millmarsh Lane EN3, Riverwalk Road Business Park EN3, Colosseum Retail Park EN1
Riding mopeds to cause distress or criminal damage	All public places
Dog Fouling (both picking up dog mess and also carrying suitable means of picking up dog fouling)	All public places, Council housing estates, parks
Dogs to be kept on leads at all times	15 designated parks/parts of parks
Dogs to be put onto leads when directed to	Most of the remaining parks
Dogs to be excluded from certain areas	Playgrounds, splashpools and sports courts in parks
Maximum numbers of dogs to be walked	All parks
Persons entering and loitering causing distress and drug dealing	All Council Housing Estates

Holding and throwing of Fireworks	All public places
Intimidatory Begging	All public places
Persons windscreen washing/selling goods	A10, A406 and within 10 metres of the junctions with these roads
Prostitution	All public places
Smoking in enclosed playgrounds	Playgrounds in all parks and council housing estates
Motor vehicles left for an unreasonable time period	Council land and land beside the highway
Persons loitering causing distress and drug dealing	Ponders End Recreation Ground, Enfield Retail Park EN1

28. The behaviours being proposed for a series of PSPOs have been reported or raised by residents, councillors, MPs, the Police and council officers as causing detriment to the quality of life in the locality, and are continuing or persisting.

29. Appendix 2 summarises the restrictions and prohibitions in the proposed PSPOs for each anti-social behaviour, and the locations to which it is proposed that the particular PSPO applies.

The Public Consultation

30. The public consultation on the proposed PSPOs was undertaken for almost 5 weeks between 16 December 2020 and 18 January 2021.

31. The public consultation comprised of:

- An online questionnaire on the Council's website;
- Hard copy or other formats of the questionnaires available on request via the Consultation team;
- Emails received directly into the Consultation email box.

32. The public consultation was publicised via:

- Regular social media - the Council's Twitter and Facebook feeds
- Emails direct out to 555 resident/resident groups
- Article in the 'Have your Say' newsletter (that goes out to over 10,000 subscribers)
- Direct emails to the Friends of Parks Groups
- Direct emails to the Third/voluntary Sector

33. The stakeholders with whom we have consulted include (this list is not exhaustive):

- Police;
- Enfield's Safer and Strong Communities Board;
- Residents;
- Council housing tenants, tenants' associations and leaseholders;
- Registered Social Landlords;

- North London Chamber of Commerce;
- Residents' Associations;
- Businesses and their Associations;
- Relevant voluntary and community sector groups;
- The Friends of the Parks groups;
- Pitch bookers and event organisers in the parks;
- Professional dog walkers;
- London Fire Brigade;
- Transport for London;
- Councillors and MPs

34. The Council consulted with them with officers either attending meetings or contacting individuals or organisations by email or letter.

The Public Consultation Results

35. The results of the completed questionnaires and emails sent directly to the consultation email box were analysed by the Consultation and Resident Engagement Team. The results are provided in Appendix 1.

36. Overall, there were 137 respondents to the public consultation, almost all of which were residents:

- 90.5% (124) of the respondents were residents;
- 4.4% (6) were others (such as the Metropolitan Police, Friends of Parks Groups and Residents' Associations);
- 2.9% (4) of the respondents were from the Education sector, and
- 2.2% (3) were businesses

37. There was a high level of support, ranging between 74.5% and 98.5%, for the proposed introduction of Public Spaces Protection Orders to control the antisocial behaviours consulted on. Respondents were asked to respond with the extent of their agreement or disagreement to the proposals and whether they were unsure ('don't know').

38. In total, 16 proposed PSPOs had an approval rating (those who agree) of 84.6% or more. Only two proposed PSPOs had an approval rating lower than this:

- Dogs are to be excluded at all times in Schedule 1 parks (75.9% agree, 14.6% disagree)
- Dogs to be kept on leads at all times in the 15 parks listed in Schedule 2 (74.9% agree, 18.2% disagree)

39. Few comments were added by those who disagree with the proposal to exclude dogs in Schedule 1 parks. Those who did felt it was unfair.

40. In relation to the proposed PSPO for dogs to be kept on leads at all times in the 15 parks listed, just four comments were made by those who disagree. Comments expressed that dogs need exercise and freedom, and that they can be fitted with a muzzle.

41. The two Friends of the Parks groups who shared their views agree with all of the proposed PSPOs relating to dogs in parks.
42. The Metropolitan Police agreed with each of the eighteen PSPOs with no responses to the open-ended questions.
43. A key theme that emerged from the questions which captured comments on the proposed PSPOs, was that a number of respondents question whether or not the Council will be able to enforce the PSPOs. This was primarily due to a perceived lack of resources. We will ensure that we increase capacity for enforcement of the PSPOs and ensure the resource is targeted and joint operations with the Police.
44. Respondents provided very informative comments as part of the questionnaire, mostly in support of the proposals and providing details of locations and impact of the ASBs.

Recommendations for PSPOs

45. The table in Appendix 2 summarises the feedback from the consultation, the amendments made to the legal wording of the proposed PSPOs as a result, and recommendations for which ASBs should be taken forward into PSPOs.
46. The recommendations are as follows:
 - To implement PSPOs for all the anti-social behaviours consulted on. Based on the public consultation feedback no amendments to the proposed PSPOs are needed
47. The inclusion of the behaviours in the public consultation was decided upon as a result of reported crimes and complaints about antisocial behaviours to the Police and the Council. The public feedback demonstrated that many people's lives were being blighted and detrimentally impacted by the antisocial behaviours identified. For some of the behaviours, the feedback indicated that they have been persistent for some time and are continuing (eg car cruising, begging, prostitution etc.). For all of the behaviours, the feedback demonstrated that they are considered unreasonable and there was widespread support for the introduction of a series of PSPOs to tackle these antisocial behaviours. Taking all of this into account, it is considered that the prohibitions and requirements specified in the proposed Public Spaces Protection Orders are therefore justified as the ASBs are detrimental to the quality of life, are continuing or persistent and are unreasonable.
48. The Public Spaces Protection Orders are provided in Appendix 3, which if agreed, will be signed and sealed.

Enforcement of the PSPOs

49. Enforcement will be undertaken in accordance with the Council's Enforcement Policy and procedures. A wide range of council enforcement officers will be authorised to enforce the PSPOs, and they, and Police

personnel would be briefed on enforcement of the orders. The officers involved include:

- Community Safety Officers;
- Neighbourhood Officers in Council Housing;
- Litter Enforcement Officers;
- Police Constables;
- Police Community Support Officers;
- Parks Officers; and
- Regulatory Services Officers such as Envirocrime Officers.

Safeguarding Implications

50. Activity under the PSPOs does not always result in formal enforcement action. However, engagement with individuals and groups that are undertaking antisocial behaviour potentially in breach of the PSPOs provides an opportunity to intervene with individuals who might be vulnerable and in need of support or referrals to other organisations.

Public Health Implications

51. PSPOs are designed to improve health and quality of life in its broadest sense. This includes measures which may not cause great physical harm but which residents find particularly unacceptable and anti-ethical to their quality of life and / or perception of personal safety / community or wellbeing. The sensible and judicious use of these powers therefore will therefore positively impact upon the health of the public far more than may be immediately apparent.

Equalities Impact of the Proposal

52. An Equalities Impact Assessment (EQIA) was undertaken of the potential impact of the proposed PSPOs on persons with protected characteristics under the Equalities Act 2010 and other persons. The EQIA was undertaken before the public consultation, and reviewed in light of the feedback arising from the consultation. The Equalities Impact Assessment is at Appendix 4.

53. The EQIA found that the prohibitions on behaviours had a potentially negative impact on persons due to their disability, gender, age or race. In the case of disability, provisions are made in the dog control PSPOs to allow for persons registered blind or with mobility problems. In relation to the other protected characteristics, interaction with the Police and Council enforcement officers provides an opportunity for intervention, if needed, due to their vulnerability or any safeguarding issues.

54. In recommending the proposals for PSPOs, consideration has also been had to articles 10 and 11 of the Human Rights Act 1998 which allows the rights to expression and assembly. However, the Human Rights Act does allow restriction of these human rights for the purposes of the prevention of crime or disorder, or to protect the health or the rights and freedoms of others. The proposals in the PSPOs are intended to ensure that the anti-social behaviours

caused by the activities are addressed so that public spaces can be enjoyed without fear or intimidation by the law-abiding majority of the community.

Environmental and Climate Change Considerations

55. There are some considerations:

Consideration	Impact of Proposals
Adaptation and resilience	These proposals do not deal with matters which directly impact on climate change adaptation and resilience.
Energy consumption	These proposals do not deal with matters which directly impact on energy consumption
Carbon emissions and offsets	Delivery of the proposals should not lead to any increase in emissions and no offsets are proposed.
Environmental	These proposals should have positive environmental impacts in respect of the street scene, neighbourhoods and quality of life for residents.
Procurement	No additional procurement of goods or services is proposed.

Risks that may arise if the proposed decision and related work is not taken

56. If it is decided not to introduce new PSPOs, there will be limited means to enforce borough wide issues such a drinking alcohol in public places, prostitution, intimidatory begging and the control of dogs (such as dog fouling and defining where dogs need to be walked on leads or excluded).

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

57. There has been a lot of interest nationally over the introduction of PSPOs and some questions have been raised about the use of Orders and whether they represent a reasonable approach to addressing antisocial behaviour. A key risk in introducing a PSPOs is potential negative media about the restrictions and prohibitions in the proposed PSPOs. In particular, civil rights groups have challenged other PSPOs during consultation which contain matters such as rough sleeping and busking. However, the proposed PSPOs in this consultation are less contentious and much less likely to attract negative publicity.

58. The key risk if PSPOs are introduced is that any person living, or regularly working in or visiting the Borough, who could be affected by the PSPO can bring a legal challenge in the High Court within 6 weeks of the Council

deciding to introduce the PSPO. The grounds of legal challenge are on the basis that the Council did not have the power to make the PSPO, or the requirements in the Act were not complied with.

59. The actions to mitigate these risks are that the Act lists London Boroughs as bodies that are able to make PSPOs, and Cabinet will consider the justification for, and impact of the restrictions and prohibitions, before making any PSPO.
60. In addition, the requirements and processes in the Act (and statutory guidance) have been followed to ensure that we are compliant. The likely risk of any judicial review would revolve around the Council's duty to consult. This risk is mitigated by the robust consultation process as outlined in paragraphs 30-34 of this report. The Cabinet are requested to consider the consultation responses as outlined in this report (Appendix 1 and 2), and the legal tests for making PSPOs as outlined in paragraphs 65-77; particularly paragraph 70.
61. Whilst we have received many Freedom of Information requests about PSPOs over the last 3 years (along with other Councils), we have not been subject to any legal challenge about them.

Financial Implications

62. Signage will be required at the locations affected by the Orders. There is existing signage in place for the current PSPOs which will be amended as needed to reflect the new approved PSPOs. It is estimated that the cost of new/amended signage will be £3,000. These costs will be met through existing revenue provision.
63. Council officers will be authorised and briefed to enforce orders. This briefing will be delivered jointly with the Police, the cost of which will be met through existing revenue budget provision. It is intended that through cross-skilling and training that the enforcement of PSPOs will be delivered by existing staffing resources.
64. It is not possible to estimate the possible receipts from the breach of PSPOs, but this will be monitored as part of the monthly budget monitoring process.

Legal Implications

65. This report sets out the purpose of a Public Spaces Protection Order which in summary is set out as:

The Public Spaces Protection Order (PSPO) allows councils to place restrictions or impose conditions on activities which people can carry out in a designated area. They are designed to deal with issues identified in problem areas which are having a detrimental impact on the quality of life in a community.

66. A PSPO is issued by a local authority on consultation with the police and the owner or occupier of the land, if appropriate. A PSPO can apply over any

public place and can prohibit any activity if the council is satisfied, on reasonable grounds, that the activities:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- are likely to be persistent in nature;
- are unreasonable; and
- justify the restrictions imposed.

67. The local authority issuing the order must also consult with any relevant community representatives, such as a residents' association, and should try to seek the views of those living or working nearby who may be affected by the order.

68. The Act relevant to public spaces protection orders is the Anti-Social Behaviour, Crime and Policing Act 2014 (sections 59-75)

- Control of public space
- Maximum duration of 3 years (s.60)
- Evidence base
- Consultation -as above
- Proportionality: As with all the anti-social behaviour powers, the council should give due regard to issues of proportionality: is the restriction proposed proportionate to the specific harm or nuisance that is being caused?
- Breach can result in a FPN up to £100 or prosecution with a fine up to £1000 an enforcement officer (police constable, PCSO, council officer or other authorised person) may issue a Fixed Penalty Notice (FPN).

69. Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council.

70. The legal tests: The legal tests focus on the impact that anti-social behaviour is having on victims and communities. A Public Spaces Protection Order can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

71. Human Rights

Section 6 Human Rights Act 1988: 'it is unlawful for a public authority to act in a way which is incompatible with a Convention right'

- Article 8—respect for private and family life
- Article 10—freedom of expression
- Article 11—freedom of assembly

Interference is permitted if this is in accordance with the law and necessary in the interests of national security, public safety, prevention of disorder or crime protection of health or morals, for the protection of the rights and freedoms of others.

In deciding whether to make, vary or discharge a PSPO, the local authority must have regard to Article 10 (freedom of expression) and Article 11 (freedom of assembly) set out in the European Convention on Human Rights.

72. Please note that the recent updated Home Office Statutory Guidance (August 2019) now specifically states that PSPOs 'should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed'.
73. As well as varying the Order, a council can also seek to discharge it at any time, for instance when the issue that justified the Order has ceased or where the behaviour has stopped or the land ceases to be classified as a public space. At any point before expiry, the council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. The council should also consult with the local police and any other community representatives they think appropriate before doing so.
74. This report appears to have complied with the requirements set out in the Anti-Social Behaviour, Crime and Policing Act 2014 and the Home Office Statutory Guidance (as updated) to make the Public Spaces Protection Orders in paragraph 27 of this report and in the Appendices 1-4 of this report.
75. A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.
76. It is important to consider carefully the potential impact of a PSPO on different sections of their communities. In introducing an Order, care must be taken to ensure that they comply with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO should therefore be reviewed to determine how they might target or impact on certain groups.
77. As stated above, local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Draft proposals for a PSPO must be published as part of the consultation process. For new or varied Orders the text must be published; for extended or discharged Orders the proposal must be publicised. The area covered by the proposals must be well defined; publishing maps of the affected area.

Workforce Implications

78. This will be delivered using existing Police resources and existing Council staff resources as part of their usual work.

Property Implications

79. The proposed PSPOs, if introduced, will apply to all land to which the public have access whether by payment or not. Therefore, they will apply to council owned buildings and land. Signage will need to be erected to advise the public of the restrictions, and existing noticeboards will be used where possible and appropriate.

80. The proposed restriction of alcohol consumption in public places will not apply within the boundary of premises or land which has a licence or temporary event notice issued for the supply of alcohol under the Licensing Act 2003.

Other Implications

Health and Safety Implications

81. There are potential safety risks to Council officers in serving engaging with, and issuing Fixed Penalty Notices, to persons suspected of causing antisocial behaviour under the PSPOs. Such persons might be intoxicated or agitated and could threaten Council employees verbally or physically.

82. Service managers are responsible for ensuring that there are risk assessments and safe systems of work (that are regularly reviewed) to eliminate or control such risks. There are current risk assessments and control measures in place for officers in relation to the risk of aggression/violence and for lone working. Regular training takes place to ensure that officers are able to deal with conflict and diffuse situations.

Options Considered

83. To not introduce new PSPOs – If the proposed new PSPOs are not introduced there will be no ability for the Council to enforce widespread or borough wide anti-social behaviours such as dog fouling, alcohol consumption in public places, intimidatory begging and prostitution or any of the other antisocial behaviours using a PSPO that are of concern to the public as identified in the public consultation.

84. It is therefore recommended that Cabinet approve the proposed new PSPOs.

Conclusions

85. The antisocial behaviours which are the subject of the proposed PSPOs are of concern to the public, the Council and to stakeholders. Use of the PSPOs will address and help improve the quality of life for residents, communities and neighbourhoods that are impacted by the antisocial behaviours.

86. A public consultation on the proposed new PSPOs was undertaken for almost 5 weeks between 16 December 2020 and 18 January 2021. There was a high level of support for the introduction of PSPOs for all of the antisocial behaviours consulted on, ranging from between 74.5% and 98.5%, for each of the antisocial behaviours.
87. Given the feedback and evidence from the public about the persistent or continuing detriment caused by these behaviours and the high level of support from the public and stakeholders for PSPOs, it is recommended that PSPOs are introduced for those behaviours listed in paragraph 27.
88. The predictive Equalities Impact Assessment has highlighted potential negative impacts on residents from the protected characteristic groups or persons due to socio-economic factors. However, interaction with the Police and Council enforcement officers provides an opportunity for support and action if persons are vulnerable or there are safeguarding issues.

Report Author: Sue McDaid
Head of Regulatory Services and Corporate Health & Safety
Sue.mcdaid@enfield.gov.uk
020 8132 0917

Andrea Clemons
Head of Community Safety
Andrea.clemons@enfield.gov.uk
020 8132 0734

Date of report 25 January 2021

Appendices

- Appendix 1 – Results of the Public Consultation
Appendix 2 – The proposed PSPOs and response to the feedback from the public consultation
Appendix 3 – The drafted Public Spaces Protection Orders
Appendix 4 - Equalities Impact Assessment (EQIA)

Background Papers

None